

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KEITH NASS, )  
Petitioner, )  
v. ) Civil Action No. 04-40105-JLT  
DAVID L. WINN, )  
Respondent. )

MOTION OF RESPONDENT DAVID L. WINN TO DISMISS

The Respondent David L. Winn, through his undersigned counsel hereby moves to dismiss the Petition For Writ of Habeas Corpus under 28 U.S.C. § 2241. In support of this motion the Respondent submits the accompanying Memorandum of Respondent David L. Winn in Opposition to Petitioner's Request for Relief and in Support of Motion to Dismiss.

Wherefore, the Respondent requests that its motion be allowed.

Respectfully submitted,  
MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Mark Grady  
MARK GRADY  
Assistant U.S. Attorney  
John Joseph Moakley U. S. Courthouse  
One Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
(617) 748-3282

CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent takes the position that, because LR. 7.1(A)(2) requires "counsel" to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ Mark Grady  
Mark Grady

CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of August 2004, the foregoing document was served upon Petitioner, Keith Nass, Reg. No. 10866-040, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by mail on this date.

/s/ Mark Grady  
Mark Grady